

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

State of Louisiana, *et al*

Plaintiff

v.

Joseph R. Biden, Jr., *et al*

Defendant

Civil No. 2:21-cv-778-TAD-KK

Judge Doughty

Magistrate Judge Kay

RULE 26(f) CASE MANAGEMENT REPORT

A meeting of counsel was held on August 4, 2021 by telephone. The following participated:

For Plaintiffs: Scott St. John, Benjamin Wallace, Daniel Shapiro
For Defendants: Michael Sawyer, Thomas Ports

1. Initial Disclosures:

This proceeding is exempt from initial disclosures. *See* Fed. R. Civ. P. 26(a)(1)(B)(i).

2. Jurisdiction:

Defendants moved to dismiss for lack of final agency action. *See* Mem. (Dkt 128-1). That motion is fully briefed and pending.

3. Joinder of Parties and Amendment of Pleadings:

A. All Defendants have been served. *See* Notice of Compliance (Dkt. 117).

B. No party presently contemplates amending the pleadings.

4. Related Cases:

The parties are aware of the following cases that also address the current status of the Department of the Interior's oil and gas leasing program:

Western Energy Alliance v. Biden, No. 21-cv-13-SWS (D. Wyo.)
Wyoming v. Dep't of Interior, No. 21-cv-56-SWS (D. Wyo.) (consol. with 21-cv-13)
North Dakota v. Dep't of Interior, No. 21-cv-148-DMT (D.N.D.).

5. Discovery Issues:

- A. Defendants are in the process of compiling an administrative record. Defendants note that they have filed an administrative record in *Wyoming v. Dep't of Interior*, No. 21-cv-56-SWS (D. Wyo.), a case in which an essentially identical “land-side” administrative record was filed. Defendants are continuing to prepare the “offshore-side” administrative record.
- B. Plaintiffs contemplate seeking jurisdictional discovery in view of the positions taken by Defendants. Plaintiffs agreed to provide draft discovery requests to Defendants to facilitate informal resolution of Defendants’ concerns and to minimize motion practice.
- C. Plaintiffs alerted Defendants that they contemplate moving to enforce the Court’s preliminary injunction. Plaintiffs stated that they contemplate seeking status reports and limited discovery in connection with the contemplated enforcement action.

6. Alternative Dispute Resolution:

The parties agree that this case is not a candidate for ADR.

7. Trial by Magistrate Judge:

- A. Plaintiffs’ Position: To the extent there is any evidentiary hearing in this case, Plaintiffs respectfully decline trial by magistrate judge.
- B. Defendants’ Position: Because this case seeks review of agency action that must be decided on the administrative record, a trial would be inappropriate, accordingly the parties respectfully decline trial by magistrate judge.

8. Proposed Briefing Schedule

The parties respectfully propose the following briefing schedule:

Defendants to lodge administrative record (“AR”):	September 17, 2021
Any motion to complete AR:	21 days after AR lodged
Plaintiffs’ motion for summary judgment:	30 days after AR lodged or motion to complete resolved
Defendants’ opposition and cross motion for summary judgment	45 days after Plaintiffs file
Plaintiffs’ opposition and reply	30 days after Defendants file
Defendants’ reply	30 days after Plaintiffs file

8/12/2021

(Date)

/s/ Joseph Scott St. John for Plaintiffs

(Signature and Party Represented)

8/12/2021

(Date)

/s/ Thomas W. Ports, Jr., for Defendants

(Signature and Party Represented)